

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

Monsen's Tally Ho Pub, Inc.)
Peter Joseph Langhart, President)
Licensee/Suspension)
for the premises located at) Case No. 07 LA 24
1951 West Howard Street)
)
v.)
)
Local Liquor Control Commission)
Department of Business Affairs & Licensing)
Scott V. Bruner, Director)
)

ORDER ON REHEARING

This matter coming to be heard on a Petition for Rehearing filed by the Department of Business Affairs and Licensing/Local Liquor Control Commission, Scott V. Bruner, Director the parties having submitted a written petition and response, the issues having been orally argued before this Commission it is hereby found as follows:

OPINION OF COMMISSIONER KOPPEL: Commissioner Koppel adopts the opinion set out in the order dated December 11, 2007, in its entirety. The 30-day suspension should be reversed.

OPINION OF COMMISSIONER SCHNORF: Commissioner Schnorf adopts his opinion set out in the order dated December 11, 2007, which concurred in part and dissented in part from Commissioner Koppel.

OPINION OF CHAIRMAN FLEMING: Chairman Fleming adopts in its entirety his opinion set

out in the order of December 11, 2007.

As set out in that opinion this Commissioner would not have imposed a thirty-day suspension for the violations of the Municipal Code proven by the City. My opinion then and now is that any personal opinion does not make the decision arbitrary, capricious and so unreasonable as to require a reversal.

It is important to point out that in response to a question from me at oral argument, Mr. Dombai, the City's attorney, stated that if someone had a 21-day suspension in their past and they do something else that the starting point has to be 21 days or beyond. In essence, Mr. Dombai seemed to admit that a concept of progressive discipline that would require greater penalties for any subsequent offense is not applicable in these cases. This is why this Commissioner would again respectfully request that the findings of fact prepared by the Hearing Commissioner set out a rationale for the recommended penalty, be it a suspension or revocation. Such an explanation might have led to a different opinion from Commissioner Koppel and Schnorf.

Dennis M. Fleming
Chairman

IT IS HEREBY ORDERED AND ADJUDGED that the order suspending the liquor

license of the appellant for THIRTY (30) days is REVERSED.

Pursuant to Section 154 of the Illinois Liquor Control Act, a petition for rehearing may be filed with this Commission within TWENTY (20) days after service of this order. The date of the mailing of this order is deemed to be the date of service. If any party wishes to pursue an administrative review action in the Circuit Court, the petition for rehearing must be filed with this Commission within TWENTY (20) days after service of this order as such petition is a jurisdictional prerequisite to the administrative review.

Dated: July 17, 2008

Irving J. Koppel
Commissioner

Stephen B. Schnorf
Commissioner